

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #03003

DATE: March 19, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 2, 2003

PROPOSAL: To vacate "X" Street from the west line of North 10th Street to the west line of North 11th Street

LAND AREA: 30,000 square feet, more or less, supported by the City
10,000 square feet, more or less, not supported by the City

CONCLUSION: Vacating all of the area requested will leave the City with diminished access to the underside of the 10th Street overpass. Access is necessary for the City to perform routine and necessary maintenance, repairs, or reconstruction of the bridge structure.

<u>RECOMMENDATION:</u>	Vacating X Street between the east line of 10 th Street and the west line of 11 th Streets: Conforms to the Comprehensive Plan
	Vacating X Street between the east and west lines of 10 th Street: Does Not Conform to the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: "X" Street from the west line of North 10th Street to the West line of North 11th Street, located in the northwest quarter of Section 23, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

LOCATION: 10th and "X" Streets.

APPLICANTS: Christopher C. Caudill
1500 South 48th Street, Suite 800
Lincoln, NE 68506
483.3333

Capital Contractors, Inc.
P. O. Box 80098
Lincoln, NE 68501
476.1021

The Burlington Northern and Sante Fe Railway Company
c/o Don Bratton
The Staubach Company
15601 Dallas Parkway, Suite 400
Addison, TX 75001
(800) 944.0012

OWNERS: Same as Applicants.

CONTACTS: Same as Applicants.

SURROUNDING LAND USE AND ZONING:

North:	Contractor's supply company, open storage	I-1 Industrial
South:	Railroad	I-1 Industrial
East:	Vacant	I-1 Industrial
West:	Steel factory, open storage	I-1 Industrial

HISTORY: Prior to the 1979 zoning update, this street was the dividing line between K Light Industrial zoning to the north and I Heavy Industrial zoning to the south. The update changed the designation of the area surrounding this street to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan contemplates this property to remain Industrial.

UTILITIES: Existing LES and telecommunication facilities are located within this alley.

TRAFFIC ANALYSIS: Both 10th and X Streets at this location are classified as Local Streets now and in the future. (E 49, F103)

ANALYSIS:

1. This is an application to vacate "X" Street from the west line of North 10th Street to the West line of North 11th Street.
2. Applicant Capital Contractors desires to vacate this portion of X Street and acquire the right-of-way so they may continue using it in their business.
3. Applicant Capital Contractors are willing to purchase the entire right-of-way if vacated.
4. This portion of X Street has not been improved. It currently sits adjacent to the Capital Contractors property area and appears to be used by Capital Contractors in their daily business.

5. There are public utilities existing within the boundaries of this proposed vacated area. A permanent utility easement should be established over the entire vacated area for existing public facilities.
6. LES is concerned with this vacation due to possible utility relocations associated with the Antelope Valley project. LES has requested a permanent easement over the entire area, if vacated.
7. The vacation of this alley will not create any lots that do not front on or do not have access to a public street. However, previous street and alley vacations in this area have left multiple lots without frontage or access to a public street.
8. The Public Works Department partially supports this request and recommends vacating that area of X Street bounded by the east line of 10th Street and the west line of 11th Street (shaded area on attached map).
9. Public Works does not support the vacation of X Street between the east and west lines of 10th Street for the reason that this area sits under the 10th Street overpass. This portion of X Street should be retained to allow for future maintenance, repair, or reconstruction of the bridge structure (hatched area on attached map).
10. The Urban Development Department has not commented on this application.
11. If, after public hearing, the Planning Commission chooses to recommend approval of this vacation, the following conditions should be applied:

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of LMC Chapter 14.20 must be met.
- 1.2 A permanent utility easement should be established over the entire vacated area for existing public facilities.

Prepared by:

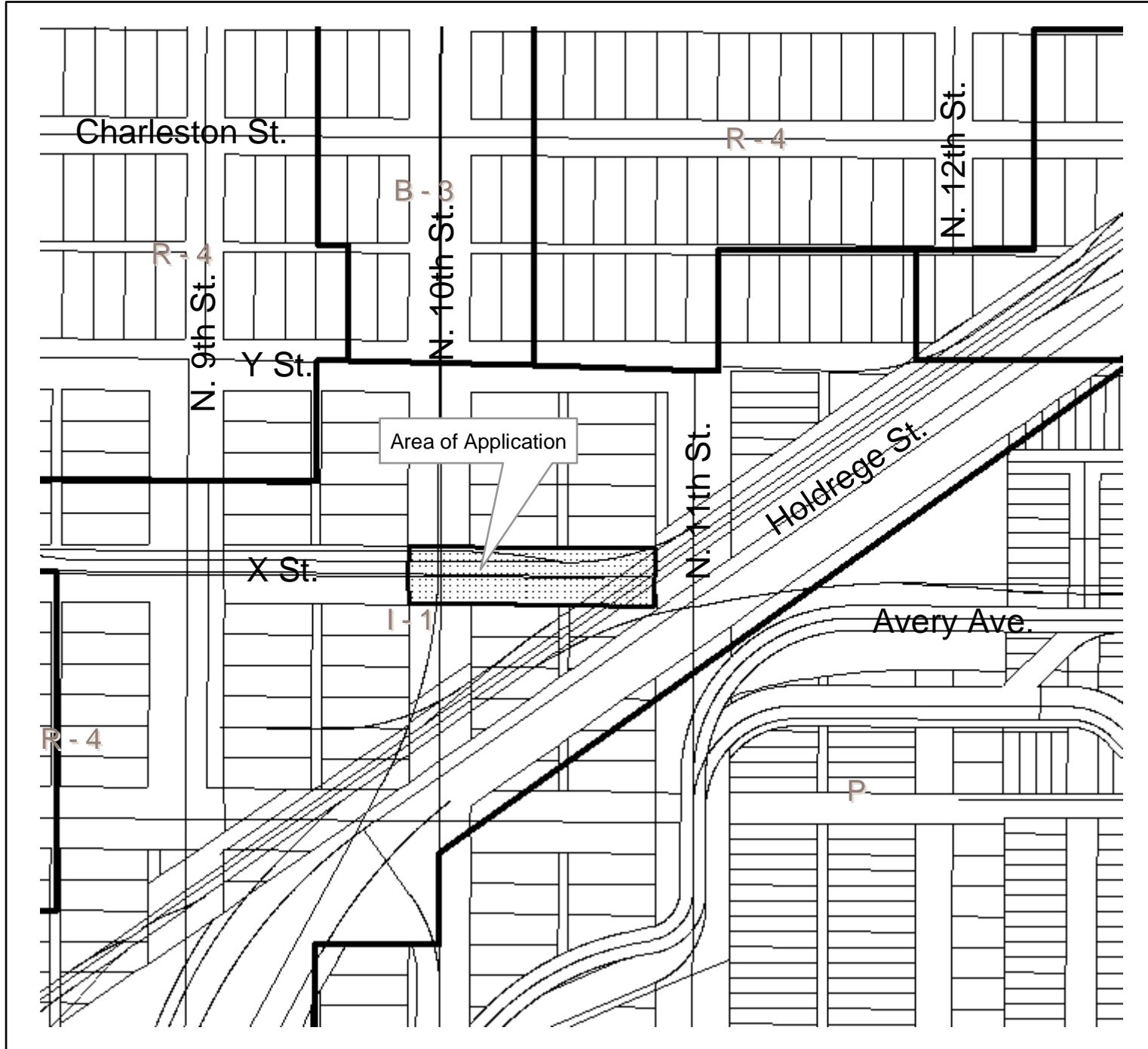
Greg Czaplewski
Planner



Street & Alley Vacation #03003

N 10th & X St.





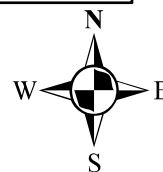
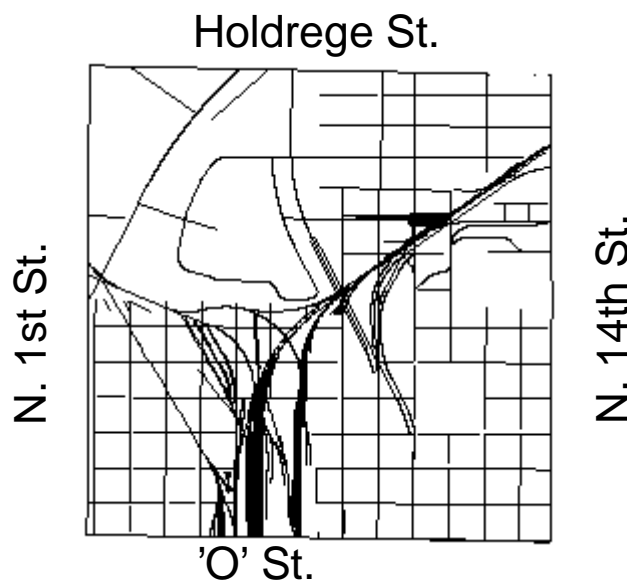
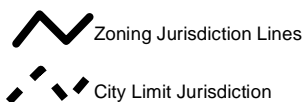
Street & Alley Vacation #03003

N 10th & X St.

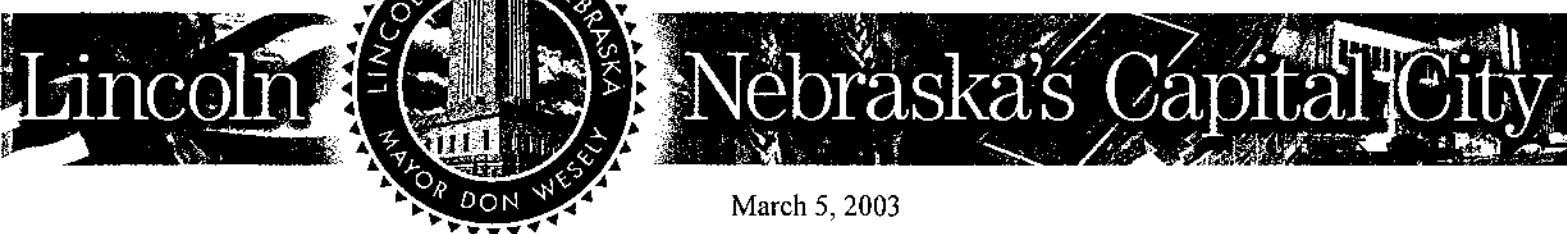
Zoning:

One Square Mile
Sec.23 T10N R6E

- R-1 to R-6 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



Lincoln City - Lancaster County Planning Dept.
1999 aerial



March 5, 2003

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacation of "X" Street from the West Line of North 10th Street to the West Line of North 11th Street

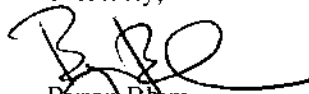
Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received proper and sufficient petitions from Capital Contractors, Inc., owners of Lots 5 and 6, Block 1 North Lincoln Addition and all that part of Lots 11 and 12, Block 8 North Lincoln Addition lying north and west of the right-of-way of the Burlington Northern Santa Fe Railroad Company, and The Burlington Northern Santa Fe Railroad Company, owners of that part of "X" Street abutting and adjoining the proposed parcel to be vacated on the east over which the Burlington Northern and Santa Fe Railway Company has its right-of-way and main east-west bound tracks, to vacate the above described public right-of-way.

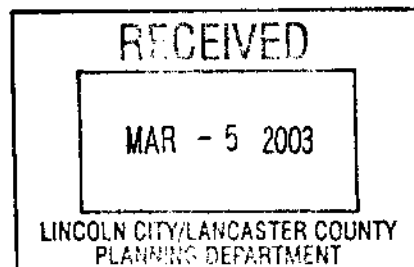
The Lincoln Electric System has existing facilities in the area of the proposed vacation. Lincoln Electric has concerns with this proposed vacation because of the Joint Antelope Valley project and possible utility relocations. However, they have also stated that if this vacation is approved, a permanent easement be established over the entire area for their existing and future facilities.

The area of vacation is 40,000 square feet, more or less, as proposed in the petitions. The area the Public Works Department would agree to vacate contains 30,000 square feet, more or less. Public Works does not support vacation of the portion of 10th Street. The 10th Street overpass is in this right-of-way. The entire 10th Street right-of-way should be retained for future maintenance, repair, or reconstruction of the bridge structure. The Department of Public Works and Utilities recommends approval of the vacation from the east line of North 10th Street to the west line of North 11th Street.

Sincerely,


Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Marvin Krout
~~Marc Wullschlaeger~~
Roger Figard
Nicole Fleck-Tooze
Randy Hoskins
Joan Ross
Clint Thomas
Dana Roper
Frank Sidles
Steve Huggenberger



X St Vac Ltr (dm) wpd